

Nueces Estuary Advisory Council (NEAC) Meeting

Monday, September 21, 2015 at 1:30 p.m.

Corpus Christi Water Utilities

2726 Holly Road, Corpus Christi, TX 78412

Meeting Minutes

Members Present: Chris Loft, Chair; Ray Allen; Rae Mooney (alt for Ray Allen); Jace Tunnell (alt. for Ed Buskey); Ruben Solis; Paul Carangelo; Rocky Freund; Con Mims; Brent Clayton; Paul Orser; Wes Tunnell; James Tolan; Brian Williams; Steve Hoey; Carola Serrato; John Adams; Teresa Carrillo; Brien Nicolau

Call to Order

Chairman Chris Loft called the meeting to order.

Approval of Meeting Minutes

Members unanimously approved the June 22, 2015, meeting minutes.

NEAC Membership

Brien Nicolau was approved to replace Paul Zimba with Erin Hill serving as his alternate.

Selection of Future Workplan Priority Projects

Ray Allen and Rae Mooney presented the following prioritized workplan projects developed by the BBASC subcommittee to the NEAC. Summaries of the projects can be found in the proposed projects handout.

- 1) Feasibility study and design for landform modification project
 - a. Members were informed by the Texas Water Developmental Board (TWDB) that SB3 funds awarded for 2016-2017 need to be used consistently with the legislative intent. They recommended that SB3 funding not be used for implementation projects. Members inquired as to whether other funding sources might be available for this project as currently drafted and discussed whether the subcommittee could modify the project's scope of work to align with the guidance from TWDB. Subcommittee chair, Ray Allen, indicated that the scope of work could be revised.
- 2) Identification of vegetation/marsh changes occurring in Rincon Bayou Delta and relationship of those changes to freshwater inflow
- 3) Nueces Bay circulation assessment project
 - a. Members were informed that this project is not currently included in the workplan. TCEQ and TWDB recommended that an addendum or supplement to the workplan be submitted to TCEQ, TWDB, TPWD, EFAG, SAC, etc. if the project is selected for funding.
- 4) Re-examination of the 2001 Agreed Order monthly targets: phase II
 - a. Members requested guidance from TCEQ concerning amending the Agreed Order to run a 10 year pilot project. Chair Loft indicated this was discussed in a prior meeting, and that he would review the past meeting

minutes concerning TCEQ guidance on alternatives for implementing the pilot project.

5) Nutrient budget for Nueces Bay

Update on SB3 Funding

Ruben Solis, TWDB, informed the NEAC that the total amount of funding available for the continued studies of environmental flows is \$2 million for all basins. He indicated that at present five out of seven of the SB3 basins have expressed interest in the funds and that the \$2 million would be evenly split resulting in approximately \$285,000 - \$400,000 per basin. Mr. Solis further indicated that the deadline to spend the funds is August 31, 2017. He recommended stakeholder groups identify priority projects and develop scopes of work to submit them to TWDB for approval as soon as possible. As outlined below, Mr. Solis provided members with tentative TWDB board meeting schedule and deadlines for receiving the scopes of work:

TWDB Board Meeting Date : Deadline to Submit Item

November 10, 2015 : October 6, 2015
November 23, 2015 : October 16, 2015
December 7, 2015 : October 30, 2015
December 21, 2015 : November 13, 2015

NEAC Members had no objections to the proposed priority projects as recommended but supported that the subcommittee needed to further revise the priority projects list and cost estimates to reflect the Board's guidance and potential funding amounts available. The subcommittee Chair, Ray Allen, indicated that a revised project list would be distributed to the subcommittee in approximately two weeks, after which the group would decide whether they need to meet to discuss. Once the subcommittee reaches agreement on the projects and scopes of work, comments will be solicited from the full NEAC, and submitted to the TWDB for approval.

Other Items

John Adams informed members that four desalination projects are currently in different stages of development and that these projects have or may soon request to discharge brine into Nueces Bay. Members discussed whether it is within the NEAC's purview to review these pending projects and/or permits and advocate for limited to no brine disposal in the bay. Chair Chris Loft indicated that as a TCEQ representative he would have to recuse himself if the NEAC decided to take an active role in the pending desalination projects. At a prior meeting, members had agreed that taking an active role in applications was outside the scope of the NEAC's authority and would have to be done on an individual basis. However, Members were in agreement to evaluate applications that could affect the implementation of the Agreed Order.

Next Meeting

The next meeting of the NEAC is tentatively scheduled for Monday, February 8, 2016 at 1:30 p.m. at the City of Corpus Christi Water Utilities Building – Choke Canyon Room.

Public Comment

Marvin Townsend discussed with members the scheduled releases (minimum flow 33 cfs/day) from Choke Canyon Reservoir as dictated in Certificate of Adjudication No. 21-3214. Mr. Townsend inquired to why there is a minimum flow requirement must be released and if there is a point, during flooding, when releases would stop. Brent Clayton, City of Corpus Christi, indicated that the minimum requirement is dictated by the Certificate and that releases are cut off during flood events when the water backs up to the dam. NEAC members inquired as to whether these releases affect Beeville's water supply or operations and Mr. Townsend indicated that large quantities of water, such as during flooding events, can impact plant failure. Lastly, Mr. Townsend informed the NEAC that the City of Beeville will be formally requesting the City of Corpus Christi consider modifying the amount released, specifically during floods, and that releases be measured at the USGS gage at Three Rivers rather than at the dam.

Additionally, Jennifer Ellis, National Wildlife Federation, informed members that TCEQ will be hosting a stakeholder meeting concerning House Bill (HB) 2031 and HB 4097, which affect desalination regulations in Texas, on October 8, 2015 at 2:00 p.m in Building E, Room 201S on the TCEQ Austin Campus, located at 12100 Park 35 Circle, Austin TX 78753.

Meeting Adjourned